THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19164 OF 2005

DATED:31.8.2005

Between:

C.Nagi Reddy

S/o.Laxmana Reddy

Sarpanch, Kuppili Gram Panchayat

Etcherla Mandal,

Srikakulam District.

…Petitioner

And

The Mandal Revenue Officer,

Etcherla Mandal, Srikakulam District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19164 OF 2005

ORDER:

The petitioner is Sarpanch of Kuppili Gram Panchayat. He is aggrieved by the action of the respondents in sub-dividing and allotting land in S.No.505 (sub-divided as S.Nos.449 and 515) of Kuppili Village as illegal and arbitrary. According to the petitioner, the land admeasuring Acs.80 in S.No.505 is sub-divided as S.Nos.449 and 515 that it is situated between forest land and revenue poramboke and that some extent of land is being used as burial ground as well as cattle field area. The remaining land is Government land. The Gram Sabha passed a resolution on 4.7.2005 under the Chairmanship of the Sarpanch to reserve the land for cattle field

and burial ground. The petitioner alleges that he came to know that on 23.8.205 respondents assigned the land to landless poor persons though the villagers of the Gram Panchayat protested against assignment. Aggrieved by this, he filed present Writ Petition seeking a direction to the respondents to resume the land in S.No.505 of Kuppili Village.

I have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

Even according to the petitioner, the land was already assigned to landless poor persons. The function of identifying agricultural vacant Government land and assigning the same to landless poor persons is entrusted to revenue officials. When they have conducted some sort of survey, identified the persons who are entitled for assignment, it cannot be said that Sarpanch of the village is aggrieved by the same. Further, even as per Section 80 of the A.P.Panchayat Raj Act, 1994 (for short, the Act) water courses, springs, reservoirs, tanks etc., vests in the Gram Panchayat and the same is subject to control by the Government. The vacant land, which is admittedly Government land, does not vests in Gram Panchayat and that it has no right to prevent Government from assigning the land. If Gram Sarpanch is aggrieved, he has to approach the authorities for appropriate action in accordance with the provisions in Chapter-VI of the Act. Writ Petition is not proper remedy.

The Writ Petition is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

31.8.2005

bnr